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NASA Policy Directive

NPD 2000.1F

Effective Date: March 12, 2007

Expiration Date: March 12, 2012

COMPLIANCE IS MANDATORY[Printable Format \(PDF\)](#)

Request Notification of Change

 (NASA Only)

Subject: Authority to Take Certain Actions for The General Counsel

Responsible Office: Office of the General Counsel

1. POLICY

The General Counsel establishes Agency-wide legal policies and procedures in conjunction and coordination with the various Center Chief Counsel and determines best methods and practices for providing legal advice, assistance, and functional guidance inherent in rendering legal services. This NPD serves as the delegation from, and governs such delegated authority by, the General Counsel to the various designated Agency counsel to carry out such duties and responsibilities.

2. APPLICABILITY

- a. This NPD applies to NASA Headquarters and NASA Centers, including Component Facilities.
- b. In the event of any conflict between this NPD and any other NASA directive or regulation, this NPD shall govern and supersede any previous delegation.

3. AUTHORITY

- a. The National Aeronautics and Space Act of 1958, Section 203(c) as amended, 42 U.S.C. § 2473(c).
- b. NPR 1000.3, The NASA Organization.

4. REFERENCES

- a. The Freedom of Information Act, as amended, 5 U.S.C. § 552.
- b. The Privacy Act of 1974, as amended, 5 U.S.C. § 552a.
- c. Technology Innovation, 15 U.S.C. §§ 3701 et seq.
- d. The Copyright Act, 17 U.S.C. §§ 101 et seq.
- e. Patent and Copyright Cases, 28 U.S.C. § 1498.
- f. Government Records and Papers; Copies, 28 U.S.C. § 1733.
- g. Using Grant Agreements, 31 U.S.C. § 6304.
- h. Using cooperative agreements, 31 U.S.C. § 6305.
- i. Patent Rights in Inventions Made with Federal Assistance, 35 U.S.C. §§ 200 et seq.
- j. Property Rights in Inventions, 42 U.S.C. § 2457.
- k. Implementation by Governmental Entities, 5 C.F.R. § 581.

- I. Commercial Garnishment of Federal Employees' Pay, 5 C.F.R. § 582.
- m. Patents and Other Intellectual Property Rights, 14 C.F.R. § 1245.
- n. Processing of Monetary Claims (General), 14 C.F.R. § 1261.
- o. Equal Access to Justice Act in Agency Proceedings, 14 C.F.R. § 1262.
- p. Demand for Information or Testimony Served on Agency Employees; Procedures, 14 C.F.R. § 1263.
- q. Implementation of the Program Fraud Civil Penalties Act of 1986, 14 C.F.R. § 1264.
- r. Uniform Patent Policy for Rights in Inventions Made by Government Employees, 37 C.F.R. § 501.
- s. Patents, Data, and Copyrights, 48 C.F.R. § 27.
- t. Patents, Data, and Copyrights (NASA FAR Supplement), 48 C.F.R. § 1827.
- u. Exec. Order No. 12,591, 3 C.F.R. 220 (1987), Facilitating Access to Science and Technology.
- v. Exec. Order No. 12,630, 3 C.F.R. 554 (1988), Governmental Actions and Interference with Constitutionally Protected Property Rights.
- w. Exec. Order No. 12,988, 61 Fed. Reg. 4727 (February 9, 1996), Civil Justice Reform.

5. RESPONSIBILITY

a. The Deputy General Counsel is responsible for the following:

- (1) Exercising the authority, performing the duties, or meeting any responsibility of the General Counsel, in the absence of the General Counsel.
- (2) Signing for the NASA Administrator attestations of determinations to grant (or deny waiver of title to) inventions and executing instruments of waiver, when in accordance with the recommendations of the Inventions and Contributions Board and the patent waiver regulations (see 14 C.F.R. § 1245).
- (3) Providing functional leadership to the Acquisition Integrity Program; Directorate Lead Counsel Program (including Directorate Lead Counsel, Mission Support Office Lead Counsel); NASA Management Office Legal Staff; and any specially detailed counsel.

b. The Associate General Counsel, or designee (within the respective practice area), and the Chief Counsel, or designee (for matters affecting or under the cognizance of the Center or Component Facility), are responsible for the following:

- (1) Executing Certificates of Full Faith and Credit and certifying the signatures and authority of employees of the Agency, whenever such certification is to authenticate copies of official records for possible admission into evidence in judicial proceedings pursuant to 28 U.S.C. § 1733 or any other statute.
- (2) Accepting service of process, pleadings, or other legal papers in actions or proceedings, with acceptance having the same effect as if served upon the Administrator. Upon accepting such service, acknowledging the service and taking further action as appropriate.
- (3) Designating NASA Center Counsel and/or providing legal representation in any action or proceeding before any forum (judicial, administrative, or regulatory).
- (4) Designating a NASA attorney as a member on any council, board, committee, or ad hoc working group or task team for the respective installation.
- (5) Determining, in accordance with 14 C.F.R. § 1263, whether production or disclosure of information or records should be made and/or testimony of present or former employees of NASA, relating to official information acquired as part of official duties, should be given in response to a request or demand for such information or testimony. For cases with potential Agency-wide impact, the Chief Counsel must provide notice to the Office of the General Counsel before making a final determination that the request for information will be denied or the appearance for testimony will be granted.
- (6) Performing the broad range of duties in the area of jurisdiction or within delegated authority.

c. The Associate General Counsel (Commercial and Intellectual Property Law Practice Group), or designee, in addition to the responsibilities under paragraph 5b, and the Patent or Intellectual Property Counsel, or designee, for the respective NASA installation(s), are responsible for the following:

- (1) Providing, under the policy direction of the General Counsel, functional direction to all Patent and Intellectual

Property Counsel.

(2) Taking those actions required or permitted pursuant to any provision of Titles 15, 17, 35, and 42 of the U.S. Code to secure, maintain, and enforce any patent, copyright, trademark, or other forms of intellectual property in which NASA has an interest.

(3) Providing legal services related to all aspects of NASA activities and rendering opinions on legal issues arising under NASA's "other transaction" authority provided in 42 U.S.C. § 2473(c)(5).

6. DELEGATION OF AUTHORITY

a. The Associate General Counsel (General Law Practice Group) or designee, and each Chief Counsel or designee for the respective installation(s), are delegated the following authority:

(1) Settle any claim against NASA less than \$5,000 made by or on behalf of a NASA employee for damage to, or loss of, personal property incident to service with NASA, whether by full or partial allowance or disallowance (see 14 C.F.R. § 1261.1).

(2) Consider (including ascertain, adjust, determine), compromise, or settle, and pay less than \$10,000, or deny, on behalf of the United States, any tort claim arising from the activities of NASA (see 14 C.F.R. § 1261.3).

(3) Approve attorney fees less than \$10,000 pursuant to the Equal Access to Justice Act (EAJA) or other relevant statute(s) (see 14 C.F.R. § 1262).

b. The Associate General Counsel (General Law Practice Group) or designee is also delegated the following authority:

(1) Serve as the Alternate Designated Agency Ethics Official on conflict of interest and standards of conduct issues.

(2) Act for the General Counsel as liaison with the Department of Justice under the Attorney General's Supplemental Guidelines implementing Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

(3) Serve as the point of contact for compliance with Executive Order 12988, Civil Justice Reform.

c. The Associate General Counsel (Contracts and Procurement Law Practice Group) or designee is delegated authority to provide legal advice on matters related to procurement integrity and procurement-related organizational conflict-of-interest issues and to coordinate matters of contracts and procurement between and among NASA Centers, working through the Chief Counsel of those Centers.

d. The Associate General Counsel (International Law Practice Group) or designee is delegated authority to prepare final determinations on appeals pursuant to the Freedom of Information Act, 5 U.S.C. § 552 and to provide legal advice on international law-related matters.

e. The Associate General Counsel (Commercial and Intellectual Property Law Practice Group) or designee is delegated the following authority:

(1) Provide, under the policy direction of the General Counsel, functional direction to all Patent and Intellectual Property Counsel and provide legal advice on commercial and intellectual property-related matters.

(2) Appoint and/or revoke principal attorneys and execute powers of attorney necessary for obtaining and maintaining intellectual property protection, including patents, trademark registrations, and copyrights.

(3) Exercise all powers of the Administrator with respect to secrecy orders in patent cases and foreign filings.

(4) Transfer custody and administration, in whole or in part, to another Federal agency of the rights, title, and interest in any invention which the Administrator holds on behalf of the United States Government.

(5) Determine whether legal requirements have been satisfied before NASA may grant, deny, modify, or terminate licenses under all intellectual property including patents, copyrights, trademarks, and mask work rights owned by NASA. Determine whether to give express authorization and consent for the use and manufacture of patented inventions incorporated in space vehicles launched by the United States Government for a person or entity other than the United States Government.

(6) Make determinations of property rights in any intellectual property in which NASA may have an interest and take any action required or permitted by law regarding such intellectual property. These include inventions made by Government employees; inventions made in the performance of work under contracts, grants, and agreements pursuant to the Space Act and the Bayh-Dole Act; and works of the United States Government (see 37 C.F.R. § 501, 17 U.S.C. Chapters 1 - 13, 35 U.S.C. Chapter 18, and 42 U.S.C. § 2457).

(7) Accept, on behalf of the United States, licenses under, assignments of, and other rights in and to, all intellectual

property including patents, copyrights, trademarks, and mask works.

(8) Review, recommend, and negotiate matters related to intellectual property rights relating to procurement contracts, grants, cooperative agreements, cooperative research and development agreements (CRADAs), and agreements entered under the Space Act related to intellectual property rights (see 31 U.S.C. §§ 6303, 6304, and 6305, 15 U.S.C. § 3710a, and 42 U.S.C. § 2473(c)(5)).

f. The legal counsel to whom the above responsibilities and authorities are delegated or redelegated shall ensure that the General Counsel is kept fully and currently informed of significant actions, problems, or other matters of substance.

7. MEASUREMENTS

The General Counsel will assess compliance by the designated legal counsel of the Agency with paragraph 6(f) of this NPD through the existing communications and reporting channels.

8. CANCELLATION

NPD 2000.1E, dated February 24, 1997.

/s/ Michael D. Griffin
Administrator

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

None.

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